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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,068	02/18/2005	Yoshiki Hashizume	0033-0983PUS1	5831
2292 7590 10/29/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER ABU ALI, SHUANGYI	
			ART UNIT 1793	PAPER NUMBER
			NOTIFICATION DATE 10/29/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/525,068	Applicant(s) HASHIZUME ET AL.	
	Examiner Shuangyi Abu-Ali	Art Unit 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

(1)

Status of Claims

Claims 1-12 and 15 remain for examination wherein claims 1 and 5 are amended.

(2)

Claim Rejections - 35 USC § 103

Claims 1, 4, 6-12 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent Application Publication No. 2004/0194663 A1 to Li et al., in view of U.S. Patent No. 5,637,143 to Jenkins et al. as generally set forth in the first office action mailed 03/22/2007 stands.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over combining teaching of U. S. Patent Application Publication No. 2004/0194663 A1 to Li et al. and U.S. Patent No. 5,637,143 to Jenkins et al. set forth above, further in view of U. S. Patent No. 5,624,486 to Schmid et al. as generally set forth in the first office action mailed 03/22/2007 stands.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over combining teaching of U. S. Patent Application Publication No. 2004/0194663 A1 to Li et al. and U.S. Patent No. 5,637,143 to Jenkins et al. set forth above, further in view of U. S. Patent No. 5,688,314 Rose et al. as generally set forth in the first office action mailed 03/22/2007 stands.

The text of those sections of title 35 US Code not included in this action can be found in the prior Office Action.

(3)

Response to Arguments

Applicant's arguments filed 07/23/2007 have been fully considered but they are not persuasive. Therefore, the grounds of rejection for claims 1-12 and 15 as indicated in the first Office Action stand.

Applicant argues "Li '663 does not represent prior art with respect to the Applicants' inventive contribution as defined by the claims of the present application. Thus, Li ' 663 which was published on October 7, 2004 has a 35 USC 102(e) date of July 1, 2002 which is the date that the corresponding PCT application was filed. On the other hand, the present application which has the U.S. filing date of February 18, 2005 has a PCT filing date of April 28, 2003 and a corresponding priority application which was filed on November 8, 2001. It is respectfully submitted that since the priority date of November 8, 2001 ante dates the PCT filing date of July 1, 2002 of Li '663, it is believed that Li '663 can be removed as an effective reference against the present application." The Examiner respectfully submits that applicant did not claim the foreign priority. Therefore Li' 663 is valid for an effective reference.

(4)

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shuangyi Abu-Ali whose telephone number is 571-272-6453. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1793

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SA


J.A. LORENZO
SUPERVISORY PATENT EXAMINER